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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/771,091 | 02/04/2004 | Kwan-Hee Lee | P56964 | 1955 |
| 7590 | 06/13/2006 | | EXAMINER | |
| Robert E. Bushnell Suite 300 1522 K Street, N.W. Washington, DC 20005-1202 | | | ROY, SIKHA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2879 | |

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/771,091 | Applicant(s) LEE ET AL. | |
| | Examiner Sikha Roy | Art Unit 2879 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 12-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group II, claims 12-20 in the reply filed on March 30, 2006 is acknowledged. The traversal is on the ground(s) (Remarks page 9, first and second paragraph) that (1) there is no demarcation between the subject matter of pending claims and classes 313 and 445 and (2) subclasses within process class 445 are generally defined by structural elements as are the subclass within class 313. The examiner respectfully disagrees. It is noted that claims referring to process or method of manufacturing a device are examined for limitations reciting the process or method steps and hence subclasses under process of manufacturing devices 445 are searched.

Furthermore the traversal is on the ground(s) (Remarks page 10 paragraphs 2,3) that there would not be a serious burden on the examiner. This is not found persuasive because two groups would require divergent searches as evidenced by their different classification. Hence the requirement is deemed proper.

Claims 1-11 of Group I are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group I. Regarding method claims 9 and 11 (which the Applicant considers as linking claim), the examiner objects and submits that claim 9 depending on claim 1 (and claim 11 depending on claim 10) further limits the structure of organic electroluminescent display device and hence are device claims.

Art Unit: 2879

After further review the pending elected method claims 12-20 need further restriction. The method claims 12-20 contain claims directed to the following patentably distinct species of the claimed invention.

Species I (claims 12-14) directed to first embodiment (paragraphs [0043] – [0052] Figs. 3A to 3E.

Species II (claims 15-17) directed to second embodiment (paragraphs [0053] – [0057] Figs. 4A to 4D.

Species III (claims 18-20) directed to third embodiment (paragraphs [0058] – [0063] Figs. 5A to 5D.

Even though the inventions are classified together (class 445/ subclass 24) each invention can be shown to have formed a separate subject for inventive effort and there would be serious burden on the Examiner and hence restriction requirement is proper. U.S. Patent 6,541,130 to Fukuda (JP 2000-323277 A of record) discloses (column 7 lines 6-25 Fig. 8) the method of forming organic electroluminescent device forming each anode electrode 3 (B, G, R) by patterning ITO transparent layers into electrodes and then other layer stacked separately on each anode electrode. This method corresponds to the inventive effort of Species I (claim 12). U.S. Patent Application Publication 2003/0234608 to Lee et al. discloses forming the bilayer structure of anode disposing sequentially anode materials on each other corresponding to inventive effort of Species II (claim 15).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions

Art Unit: 2879

unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sikha Roy
Patent Examiner
Art Unit 2879